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Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability
Litigation

No. 2:15-MD-02641-DGC

**DEFENDANTS' MOTION FOR
LEAVE TO FILE UNDER SEAL
EXHIBITS IN SUPPORT OF
BARD'S SEPARATE STATEMENT
OF FACTS IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT AS TO PLAINTIFFS
DEBRA AND JAMES FRANCES
TINLIN'S CLAIMS**

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively
"Bard") hereby respectfully move this Court, pursuant to the Stipulated Protective Order
(Doc. 269), Federal Rule of Civil Procedure 26(c)(1)(G), and Local Civil Rule 5.6 for
leave to file under seal the exhibits attached in support of Bard's Separate Statement of
Facts in Support of Motion for Summary Judgment as to Plaintiffs Debra and James

1 Frances Tinlin’s Claims, served on February 1, 2019. The exhibits to the Statement of
 2 Facts contain certain medical information that is protected under the Stipulated Protective
 3 Order, warranting protection from public disclosure. Accordingly, there is good cause to
 4 grant Defendants’ Motion for Leave to File Under Seal the Exhibits in Support of Bard’s
 5 Statement of Facts. Plaintiffs do not oppose this Motion. A list of the Exhibits sought to
 6 be sealed are attached hereto as Exhibit A.

7 **ARGUMENT AND CITATION OF AUTHORITY**

8 “When a court grants a protective order for information produced during discovery,
 9 it already has determined that ‘good cause’ exists to protect this information from being
 10 disclosed to the public by balancing the needs for discovery against the need for
 11 confidentiality.” *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206,
 12 1213 (9th Cir. 2002). *See also, Medicis Pharm. Corp. v. Acella Pharm., LLC*, CV 10-
 13 1780-PHX-JAT, 2012 WL 2260928 at *2 (D. Ariz. June 15, 2012) (sealing exhibits
 14 related to “Medicis’ marketing strategy, Acella’s product formulation,...various e-mails
 15 and deposition transcripts, viscosity test data, sales and marketing information, and
 16 various other documents” because “[m]uch of this information has been previously sealed
 17 by the Court, has been designated as confidential by the parties pursuant to the protective
 18 order in this case, or could otherwise potentially harm the parties if released publicly
 19 because of its confidential and sensitive nature.”).

20 The exhibits to Bard’s Statement of Facts contain certain Plaintiffs’ personal
 21 healthcare information that is protected under HIPAA and confidential under the
 22 Stipulated Protective Order. Accordingly, good cause exists for sealing the Exhibits at
 23 issue.

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1 RESPECTFULLY SUBMITTED this 1st day of February, 2019.

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EXHIBIT A

DOCUMENTS PROPOSED TO BE FILED UNDER SEAL

Defendants request they be permitted to file under seal the following documents:

1. Exhibit A to Statement of Facts – Plaintiff’s Medical Record
2. Exhibit C to Statement of Facts – Portions of Dr. Riebe’s Deposition Transcript
3. Exhibit E to Statement of Facts – Dr. McMeeking’s Expert Report
4. Exhibit F to Statement of Facts – Dr. Muehrcke’s Expert Report
5. Exhibit G to Statement of Facts – Portions of Dr. Muehrcke’s Deposition Transcript
6. Exhibit H to Statement of Facts – Dr. Hurst’s Expert Report
7. Exhibit I to Statement of Facts – Portions of Dr. Hurst’s Deposition Transcript